

REMARKS

Claims 60 to 66 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which applicant regards as the invention. Claims 35 to 44, 50, 51, 55, 57 and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by Ikeda et al. (U.S. Patent No. 5,634,348). Claims 45 to 49, 52 to 54, 56 and 58 to 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda et al. (U.S. Patent No. 5,634,348) in view of Burk et al. (US Pub. No. 2001/0052238). Claim 68 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda et al. (U.S. Patent No. 5,634,348) in view of Spauschus et al. (U.S. Patent No. 6,073,454). Claim 69 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda et al. (U.S. Patent No. 5,634,348) in view of Martin (U.S. Patent No. 5,396,777).

Claims 35, 36, 62 and 66 have been amended.

Claims 60, 61 and 63 to 65 have been canceled without prejudice.

Reconsideration of the application based on the following remarks is respectfully requested.

35 U.S.C. §112 Rejections

Claims 60 to 66 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which applicant regards as the invention.

Claims 60, 61, and 63 to 65 have been canceled without prejudice.

Claims 62 and 66 have been amended. Support can be found in the specification in paragraph [0034], for example.

Withdrawal of the rejection of claims 60 to 66 under 35 U.S.C. §112, second paragraph is respectfully requested.

35 U.S.C. §102 Rejections

Claims 35 to 44, 50, 51, 55, 57 and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by Ikeda et al. (U.S. Patent No. 5,634,348).

Ikeda et al. discloses an air conditioner for vehicles “comprising a heat pump refrigerant circuit having a compressor capable of varying its output, a heat sink provided at an upstream position in an air duct for performing heat absorbing action and a radiator provided at a downstream position in the air duct for performing a heat radiating action.” (Col.1, lines 40 to 45).

Claim 35 has been amended to recite “an air conditioning system for heating and/or cooling a passenger compartment of a motor vehicle, comprising a compressor, the compressor powering at least two air conditioning circuits at the same time, a first circuit having a first heat exchanger, a second circuit having a second heat exchanger, flow through the first heat exchanger returning to the first circuit and the flow through the second circuit passing through the second heat exchanger.” Support can be found in Figure 2, for example.

Ikeda et al. fails to teach or show “a first circuit having a first heat exchanger, a second circuit having a second heat exchanger, flow through the first heat exchanger returning to the first circuit and the flow through the second circuit passing through the second heat exchanger,” as recited in claim 35. The 2 parts of the refrigerant charged from the compressor in Ikeda et al. join one another, therefore it is not possible for “a first circuit having a first heat exchanger, a second circuit having a second heat exchanger, flow through the first heat exchanger returning to the first circuit and the flow through the second circuit passing through the second heat exchanger.” (See Col. 6, lines 59 to 61).

Claim 42 recites “an air conditioning system for heating and/or cooling a passenger compartment of a motor vehicle comprising a compressor, the compressor having a low pressure side and a high pressure side, a valve device located downstream of the compressor on the high-pressure side, the valve device splitting a high-pressure refrigerant flow from the compressor into two streams.”

Ikeda et al. fails to teach or show “the valve device splitting a high-pressure refrigerant flow from the compressor into two streams,” as recited in claim 42. The Office Action asserts solenoid valves 7 and 10 are the valve device, however solenoid valves 7 and 10 do not split the refrigerant flow from the compressor.

Withdrawal of the rejections of independent claims 35 and 42 and dependent claims 36 to 41, 43 to 44, 50, 51, 55, 57 and 67 under 35 U.S.C. §102(b) is respectfully requested.

35 U.S.C. §103 Rejections

Claims 45 to 49, 52 to 54, 56 and 58 to 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda et al. (U.S. Patent No. 5,634,348) in view of Burk et al. (US Pub. No. 2001/0052238).

Ikeda et al. is discussed above.

Burk et al. discloses an air conditioning system with air conditioning and heat pump mode.

In light of the discussion above, withdrawal of the rejection of dependent claims 45 to 49, 52 to 54, 56 and 58 to 66 is respectfully requested.

Furthermore, even if Ikeda et al met all the claim limitations, which it does not; there would be no reason or motivation for one of skill in the art to modify Ikeda et al. in view of Burk et al. It would not have been obvious to one of skill in the art to modify Ikeda et al. in view of Burk et al. Ikeda et al. was designed for dehumidifying operations.

Claim 68 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda et al. (U.S. Patent No. 5,634,348) in view of Spauschus et al. (U.S. Patent No. 6,073,454).

Ikeda et al. is discussed above.

Spauschus et al. discloses a reduced pressure carbon dioxide based refrigeration system.

In light of the discussion above, withdrawal of the rejection of dependent claim 68 is respectfully requested.

Furthermore, even if Ikeda et al met all the claim limitations, which it does not; there would be no reason or motivation for one of skill in the art to modify Ikeda et al. in view of Spauschus et al. It would not have been obvious to one of skill in the art to modify Ikeda et al. in view of Spauschus et al.

Claim 69 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda et al. (U.S. Patent No. 5,634,348) in view of Martin (U.S. Patent No. 5,396,777).

Ikeda et al. is discussed above.

Martin discloses a defrost controller.

In light of the discussion above, withdrawal of the rejection of dependent claim 69 is respectfully requested.

Furthermore, even if Ikeda et al met all the claim limitations, which it does not; there would be no reason or motivation for one of skill in the art to modify Ikeda et al. in view of Martin. It would not have been obvious to one of skill in the art to modify Ikeda et al. in view of Martin. Martin provides a refrigeration apparatus adapted to maintain a freezing temperature in a compartment in a container which is self contained. There is no reason why one of skill in the art would look to Martin to modify Ikeda et al.

Withdrawal of the rejection to claims 45 to 49, 52 to 54, 56, 58 to 66, 68 and 69 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

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